

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Plaintiff(s),

- v -

Defendant(s).

-----X

[PROPOSED]
INITIAL SCHEDULING ORDER

__ CV __ (__) (PK)

Upon consent of the appearing parties and their counsel, it is hereby **ORDERED** as follows:

1. REQUIRED ACTION BEFORE THE INITIAL CONFERENCE

(except for cases with pro se litigants)

- a) The parties conferred pursuant to Federal Rule of Civil Procedure 26(f) on _____, 201__ (this date must be at least five (5) business days before the Initial Conference).
- b) Automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure were completed on _____, 201__.

2. MOTIONS

- a) Defendant(s) shall answer or otherwise move with respect to the complaint by _____, 201__. (Check here if already done: ☐)
- b) No additional parties may be joined after _____, 201__. By this date, the parties may either stipulate to the addition of new parties or begin motion practice for joinder in accordance with the Individual Practice Rules of the District Judge assigned to this case.
- c) No other amendment of the pleadings will be permitted after _____, 201__ unless information unknown to the parties

by this date later becomes available to them. By this date, the parties may either stipulate to amendments of the pleadings or begin motion practice for leave to amend the pleadings in accordance with the Individual Practice Rules of the District Judge assigned to this case.

3. DISCOVERY

Discovery deadlines will not be extended unless the party seeking the extension makes a compelling showing that discovery could not be completed because of unforeseeable circumstances beyond that party's control.

a) *Fact Discovery*

- i. Initial document requests and interrogatories will be served no later than _____, 201_. If the parties intend to issue interrogatories, they will serve no more than _____ interrogatories. The presumptive cap on the number of interrogatories is **twenty-five (25)**, including subparts.
- ii. **Treating physicians** who may be called as witnesses, including as expert witnesses, should generally provide their reports or summaries and be deposed during the fact discovery period.
- iii. Fact discovery closes _____, 201_.

b) *Expert Discovery*

- i. The names, qualifications, and area of expertise of experts to be introduced in a party's case-in-chief must be served on or before _____, 201_.
- ii. Case-in-chief expert witness reports must be served on or before _____, 201_.
- iii. Rebuttal expert witness reports must be served on or before _____, 201_.
- iv. Deposition of all experts must be completed on or before _____, 201_.

c) *Certification of Completion of Discovery*

On or before _____, 201_, the parties must file on ECF a joint letter confirming that **all** discovery is concluded.

4. DISPOSITIVE MOTIONS

- a) A request to the District Judge for a pre-motion conference on any proposed dispositive motion must be filed by _____, 201_, if required by the District Judge assigned to this case.

Parties must consult the Individual Practice Rules of the District Judge assigned to this case to determine whether a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Civil Rule 56.1 statement must be submitted with the motion, and whether such a motion must be “bundled.”

- b) A proposed Joint Pre-Trial Order must be filed (or if required by the District Judge, a scheduling date must be requested) by _____, 201_.

5. SETTLEMENT

The parties should engage in settlement discussions at all pre-trial stages of litigation. To facilitate this process, Plaintiff(s) agree(s) to make a demand on or before _____, 201_, and Defendant(s) agree(s) to respond to the demand with an offer on or before _____, 201_.

6. CONFERENCES

The Court will set the following dates:

- a) A Settlement Conference is scheduled for _____, 201_ at _____ .m. In preparation for the conference, confidential *ex parte* settlement statements must e-mailed to Chambers at kuo_chambers@nyed.uscourts.gov by _____, 201_.

The parties must comply with the requirements for the statements detailed in Judge Kuo’s Individual Practice Rules:

<https://www.nyed.uscourts.gov/pub/rules/PK-MLR.pdf>.

- b) A discovery status ☐ telephone/☐ in person conference is scheduled for _____, 201_ at _____ .m. If a telephone conference, the call is to be initiated by ☐ Plaintiff(s)/☐ Defendant(s) to Chambers at 718.613.2400 once all parties are on the line. A joint discovery status letter must be filed on ECF by _____, 201_ in preparation for the conference.

This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date of this order.

SO ORDERED:

PEGGY KUO
United States Magistrate Judge

Dated: Brooklyn, New York
_____, 2018

CONSENTED TO BY COUNSEL:

Attorney for Plaintiff(s)

Signature:

Name:

Address:

E-mail:

Tel:

Fax:

Attorney for Defendant(s)

Signature:

Name:

Address:

E-mail:

Tel:

Fax: